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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,836	10/20/2005	Hiroshi Fujita	AIA-111-PCT	6153
28892 7590 01/24/2008 SNIDER & ASSOCIATES P. O. BOX 27613 WASHINGTON, DC 20038-7613			EXAMINER VENCJ, DAVID J	
			ART UNIT	PAPER NUMBER
			1641	
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			01/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,836

Applicant(s)

FUJITA ET AL.

Examiner

David J. Venci

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 28, 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

This application contains the following inventions or groups of inventions which are not linked to form a single general inventive concept under PCT Rule 13.1. In accordance with 35 U.S.C. 121 and 372 and 37 CFR 1.499, Applicants are required to elect a single invention to which the claims must be restricted.

- I. Claims 1-4, 15 and 16, drawn to a special technical labeling method
- II. Claims 5-7, and 17, drawn to a special technical kit
- III. Claims 8, 9 and 14, drawn to a special technical screening method
- IV. Claims 10-13 and 18-22, drawn to a special technical labeling method

According to PCT Rule 13.2, unity of invention exists only when the invention shares a same or corresponding technical feature that is a contribution over the prior art. Here, the product of Invention II is used in the methods of Inventions I, III and IV. However, the technical feature linking Invention II with Inventions I, III and IV does not constitute a special technical feature as defined by PCT Rule 13.2 because the technical feature does not define a contribution over the prior art.

Specifically, Narang *et al.* (US 2005/0196431) describes all the elements of Invention II, including kits (see paragraph [0086], "applicators may incorporate or be packaged, such as in saleable kits, with one or more containers containing the adhesive composition") comprising adhesive tape (see paragraph [0092], "films", "membranes"; see *also*, paragraph [0093], "paper", "adsorbent in nature") and a fluorescent substance (see paragraph [0145], "aromatic amines such as[...] hydrazine") (paraphrasing mine).

Therefore, unity of invention is lacking because the technical feature linking the inventions does not constitute a special technical feature as defined by PCT Rule 13.2, because the technical feature does not define a contribution over the prior art.

Applicants are advised that a complete reply to this requirement must include: (i) an election of invention to be examined, even if the requirement is traversed¹ (37 CFR 1.143), and (ii) identification of the claims encompassing the elected invention. An argument that claims are allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Applicants are reminded that upon the cancellation of claims to non-elected inventions, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Venci whose telephone number is 571-272-2879. The examiner can normally be reached on 08:00 - 16:30 (EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

¹ Applicant may elect an invention or species with traverse or without traverse. To reserve a right to petition, Applicant must elect with traverse. Should Applicant traverse on the ground that the inventions or species are not patentably distinct, Applicant should clearly admit on the record, or submit or identify evidence on the record that the inventions or species are obvious variants. If Examiner finds one Inventions unpatentable over the prior art, Examiner may use the evidence or admission of record to reject other inventions under 35 U.S.C. 103(a).

Application/Control Number:
10/553,836
Art Unit: 1641

Page 4

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 1641

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